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Item 9a
Doc. 6

June 28, 2010

Jill M. Witkowski, Esq.
San Diego Coastkeeper
2825 Dewey Road, Suite 200
San Diego, California 92106

**Re: Shipyard Sediment Site Cleanup Project and Tentative Cleanup and Abatement
Order No. R9-2010-0002**

Dear Ms. Witkowski:

This concerns the June 24, 2010 response from San Diego Coastkeeper (Coastkeeper) and Environmental Health Coalition (EHC) to the Cleanup Team's motion to extend the discovery deadlines in this matter. While we do not feel it necessary to address many of the erroneous statements and faulty legal analyses, including that concerning CEQA, in the response, we will address the claim by Coastkeeper and EHC that the Cleanup Team and certain other parties have, as part of the continuing mediation process, engaged in "clandestine sampling and data gathering" relative to certain revisions being made to the Cleanup and Abatement Order and Draft Technical Report. We are sure there is no need to remind you that Coastkeeper and EHC voluntarily withdrew from the mediation process. Had Coastkeeper and EHC chosen instead to continue participating in that process, they would have been able to review the data and participate in any sampling along with the Cleanup Team and the other mediation parties. Your contention that Coastkeeper and EHC were somehow "excluded" from the process is belied by their voluntary decision to withdraw from the mediation.

In any event, the data referenced in the Coastkeeper/EHC response is part of the public record, and, to address your stated concerns, a CD containing the data will be personally delivered to your attention on or before Tuesday, June 29, 2010.

Very truly yours,

/s/

Christian Carrigan
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State Water Resources Control Board
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On behalf of Shipyard Sediment Site Cleanup Team